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| 09/925,397 | 08/09/2001 | Yuan-Chi Chang | YOR9-2001-0287 (8728-514) | 4473 |
| 46069 7590 07/03/2008 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797 | | | | |
| EXAMINER EHICHIOYA, FRED I | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/925,397

Applicant(s)

CHANG ET AL.

Examiner

FRED I. EHICHIOYA

Art Unit

2162

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20 - 24, 26 - 31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20 - 24, 26 - 31 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This Office Action is responsive to the communications file March 27, 2008.
2. claims 20 – 34, 26 – 31 and 33 are pending in this Office Action

Response to Arguments

3. Applicant's arguments with respect to claims 20 – 34, 26 – 31 and 33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20 – 24, 26 – 31 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Non-Patent Literature “Constrained Querying of Multimedia Databases: Issues and Approaches by Jeffrey S. Vitter et al (hereinafter “Vitter”).

Regarding claims 20 and 27, Vitter discloses a method for processing multimedia data in a computer system, comprising:

receiving as input a high-level concept describing data to be accessed (see page 9, section 4.2, paragraph 1: *"then ask the user to form higher-level concepts according to their specific query needs" – asking the user for the high-level concept is interpreted as receiving the high-level concept*);

translating the high-level concept into a low-level query by using stored concept constructs which are defined (see page 2, paragraph 2: *"the user would specify a high-level concept for each query, while the system would translate said concept into low-level features and would perform an enhanced content-based query"*) using features derived from a plurality of application domains (see page 3, paragraph 2: *"The range of application domains that can benefit from a single unified view that incorporates both fuzzy and crisp queries, as well as their joins and nested views, include, among others: ... Music shopping"*), wherein the stored concept constructs are each represented using a hierarchical fuzzy graph data tree-structure comprising nodes that correspond to child-concepts and a subset of the features, aggregation edges that correspond to parent-child relationships, and association edges between siblings that correspond to inter-sibling constraints (see page 7, section 3, paragraph 2: *"a hierarchical fuzzy graph data structure that resembles a tree of graphs. Nodes in the representation correspond to concepts, and contain attributes as well as constraints. There are two types of edges in the data structure: aggregation edges, representing parent-child relationships, and association edges, representing inter-sibling*

constraints . . . *The aggregation edges also have associated weights, reflecting the relative importance of the child concepts in the parent's definition*"); and

transferring the low-level query to one or more search engines to access information using the low-level query (see page 2, paragraph 2: *"the system would translate said concept into low-level features and would perform an enhanced content-based query"*).

Regarding claims 21 and 28, Vitter discloses a storing the concept constructs in a concept library module (see page 7, paragraph 2: *"the concept library contains a list of pre-defined concepts"*);

storing the features in a feature library module (see page 6, section 2, paragraph 2: *"The feature library contains a set of features . . . MPEG-7 annotated data, etc.)"*);

storing constraints in a constraint library module (see page 6, section 2, paragraph 3: *"The constraint library is simply a collection of constraints . . . Examples include spatial or temporal constraints, feature similarity constraints, etc"*); and

storing matching algorithms in a matching algorithm library module (see page 7, paragraph 1: *"The matching algorithm library consists of a set of join algorithms . . . and compute an order set of matches for the parent concept defined through the children ones"*).

Regarding claims 22 and 29, Vitter discloses interfacing the library modules to the application domains (see page 7, paragraph 2: *"an application can then use a concept-based interface, where any input concepts are looked up into the concept library"*).

Regarding claims 23 and 30, Vitter discloses building a concept construct (see Fig: 3: *“a concept representation is interpreted as a concept construct”*).

Regarding claims 24 and 31, Vitter discloses wherein the step of building a concept construct comprise combining one or more of the features with zero or more of the stored concept (see page 7, paragraph 2: *“The process of defining new concepts is performed by the Concept Cataloger module, and consists . . . Any of the above sets can be empty”*), and

zero or more of the constraints (see page 7, section 3, paragraph 3: *“We note that in the definition of the top constraint, none of the first two child concepts are absolutely mandatory”*).

Regarding claims 26 and 33, Vitter discloses wherein the features are user defined (see page 6, section 2, paragraph 2: *“The types of features . . . can be user defined through the API”*).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED I. EHICHIOYA whose telephone number is (571)272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cam Y Truong/
Primary Examiner, Art Unit 2162

/Fred I. Ehichioya/
Examiner Art Unit 2162